REMARKS

This Response is in rely to the Final Office Action dated June 10, 2005 and the Advisory Action dated October 5, 2005. In this Office Action, claims 1-7, 10-14, 17 and 19-28 were rejected. Claims 10 and 24-27 were rejected under 35 U.S.C. § 102 and claims 1-7, 11-14, 17, 19-23 and 28 were rejected under 35 U.S.C. § 103. Claims 1-7, 10-14 and 17-28 are pending in the patent application. In response, Claims 1, 3, 5, 10, 13, 17, 22 – 25 and 27 have been amended. Claims 2, 4 and 11-12 have been canceled without prejudice or disclaimer. Claim 18 was canceled previously without prejudice or disclaimer. Claims 8-9 and 15-16 were previously withdrawn. No new matter has been added by any of the amendments made herein. Applicant respectfully traverses these rejections. Favorable reconsideration is requested.

At a minimum, the cited art, alone or in combination, fail to teach or suggest the features of a "store device creates a first signature indicating validity of the settlement request information by using a private key of the store device, and transmits the settlement request information with the first signature to the settlement management device, and wherein the settlement management device checks validity of the first signature received from the store device by using a public key corresponding the private key of the store device," and "the settlement management device creates a second signature indicating validity of the settlement information with the first signature by using a private key of the settlement management device, and transmits the settlement information given the second signature and subjected to the encryption processing to the client device which can check validity of the second signature by using a public key corresponding to the private key of the settlement management device and output it to the data storage device" as recited in amended claim 1, and similarly recited in amended claims 10, 17, 22-25 and 27.

In this regard, the settlement request information is created by the store device, and includes various information for requesting the settlement management device to make settlement to the purchase request information transmitted by the user to the store device through the personal computer as the client device. The validity of the settlement request information is secured in such a manner that a first signature created by using a private key of the store device is affixed, and the settlement management device checks the first signature by using a public key corresponding to the private key of the store device.

The settlement information is created by the settlement management device on the basis of the settlement request information transmitted from the store device to the settlement management device, and includes various information for making settlement by increasing or decreasing value information stored in the data storage device from the settlement management device through the personal computer as the client device and the reader/writer. The security of the settlement information is secured by the common key shared by the settlement management device and the data storage device. See, Specification, page 24, line 30 through page 25, line 13. The first signature is a signature which is created by the private key of the store device, is affixed to the settlement request information, and is checked by using the corresponding public key in the settlement management device.

Moreover, in the network server of the store device, the first signature information is created by using its own private key is affixed to the settlement request information, and in the application server of the settlement management device, the first signature information is checked by using the public key corresponding to the private key, and it is judged that the first signature information is a valid one affixed in the network server of the store device. Thus, it is possible to prevent settlement from being made on the basis of dishonestly falsified settlement request information in the personal computer of the user or the like. See, Specification, page 39, lines 3-11.

Regarding Linehan, the disclosure teaches that the method of the invention includes the step of sending from a consumer's computer a start message over an internet network to a merchant's computer. The merchant's computer then replies to the consumer's computer with a merchant message including a wallet initiation message, a merchant digital signature, and a digital certificate from an acquiring bank. The wallet initiation message includes a payment amount, an order description, a timestamp, and a nonce. This starts a consumer's wallet program in the consumer's computer in response to the wallet initiation message. The consumer's computer then sends over the internet network some consumer identity and authentication information, such as a userid and user password, plus the merchant message, to an issuer gateway operating on behalf of an issuing bank.

The issuer gateway verifies the merchant's signature to prove that the consumer is dealing with the actual merchant and validates the merchant's certificate and the acquirer's

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certificate to prove that the merchant and issuer share a common financial arrangement. The issuer gateway then verifies that the consumer's account is active and has sufficient funds and/or credit to support the payment amount. The issuer gateway then pre-authorizes payment by sending over the internet network an authorization token, an issuer's digital certificate, the wallet initiation message, and a reference value representing the consumer's credit or debit card number. The authorization token includes the payment amount, order description, timestamp, a random nonce plus a merchant identifier and the reference to the consumer's credit or debit card number. The issuer gateway signs the authorization token. This information can be sent either to the consumer or to the merchant to fulfill the order description. If sent to the consumer, the consumer forwards the authorization token to the merchant. The merchant verifies the issuer's signature, issuer's digital certificate, and authorization token contents to validate that the payment is authorized by the issuer. See, Linehan, column 4, lines 10-44.

Accordingly, nowhere in Linehan, does the reference teach, suggest or disclose the first signature as disclosed in the present application. In this regard, the merchant digital signature is sent in response to the consumer's computer sending of a start message. The merchant digital signature is in reply to this, along with the wallet initiation message and the digital certificate. In contrast, as disclosed in the pending claims, the first signature is included with the settlement request information, which is created by the store device, and includes various information for requesting the settlement management device to make settlement to the purchase request information transmitted by the user to the store device through the personal computer as the client device. The validity of the settlement request information is secured in such a manner that a first signature created by using a private key of the store device is affixed, and the settlement management device checks the first signature by using a public key corresponding to the private key of the store device.

Regarding Linehan, the Office Action, in part, states that Linehan discloses that the settlement management device creates a second signature (the issuer gateway's signature) indicating validity of the settlement information with the first signature by using a private key of the settlement management device, and transmits the settlement information given the second signature and subjected to the encryption processing to the client device. See, Office Action, page 8.

Regarding Takayama, the disclosure fails to teach, suggest or disclose wherein the settlement management device creates a second signature indicating validity of the settlement information with the first signature by using a private key of the settlement management device, and transmits the settlement information given the second signature and subjected to the encryption processing to the client device which can check validity of the second signature by using a public key corresponding to the private key of the settlement management device and output it to the data storage device. Applicant respectfully submits that Takayama only discloses that the settlement system information processing means provide a digital signature of the holders of the service providing means for transmission of data in messages to the payment means, the charging means, or the clearing means; and upon receiving the messages in which data is accompanied by the digital signatures, the payment means, the charging means and the transaction means, and the user information processing means, the merchant information processing means and the settlement system information processing means, three of which are included in the service providing means, individually authenticate the digital signatures. See, Takayama, paragraph 111.

Furthermore, Applicants submit that there is no teaching, suggestion or motivation for one of ordinary skill in the art to combine the Linehan and Takayama references in the manner suggested in the Office Action. In making a determination that an invention is obvious, the Patent Office has the initial burden of establishing a prima facie case of obviousness. In re Rijckaert, 9 F.3d 1531, 1532, 28 U.S. P.Q.2d 1955, 1956 (Fed. Cir. 1993). "If the examination at the initial stage does not produce a prima facie case of unpatentability, then without more the applicant is entitled to grant of the patent." In re Oetiker, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992).

The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). The initial burden is on the examiner to provide some suggestion of the desirability of doing what the inventor has done. "To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the

claimed invention to have been obvious in light of the teachings of the references." Ex parte Clapp, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985). When the motivation to combine the teachings of the references is not immediately apparent, it is the duty of the examiner to explain why the combination of the teachings is proper. Ex parte Skinner, 2USPQ2d 1788 (Bd. Pat. App. & Inter. 1986). (see MPEP 2142).

Further, the Federal Circuit has held that it is "impermissible to use the claimed invention as an instruction manual or 'template' to piece together the teachings of the prior art so that the claimed invention is rendered obvious." In re Fritch, 23 U.S.P.Q.2d 1780, 1784 (Fed. Cir. 1992). "One cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention" In re Fine, 837 F.2d 1071 (Fed. Cir. 1988).

Moreover, the Federal Circuit has held that "obvious to try" is not the proper standard under 35 U.S.C. §103. Ex parte Goldgaber, 41 U.S.P.Q.2d 1172, 1177 (Fed. Cir. 1996). "An-obvious-to-try situation exists when a general disclosure may pique the scientist curiosity, such that further investigation might be done as a result of the disclosure, but the disclosure itself does not contain a sufficient teaching of how to obtain the desired result, or that the claim result would be obtained if certain directions were pursued." In re Eli Lilly and Co., 14 U.S.P.Q.2d 1741, 1743 (Fed. Cir. 1990).

In light of the present amendments, Applicants submit that the rejection under 35 U.S.C. §102 and 35 U.S.C. §103 has been overcome and should be withdrawn. For the foregoing reasons, Applicants respectfully submit that the present applicant is in condition for allowance and earnestly solicit reconsideration of the same.

Respectfully submitted,

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